HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1202 of 2003 (MS)

Bharat Chandra Ramola …. Petitioner

Versus

Assistant Labour Commissioner & others …….. Respondents.

Sri M.C. Pant, Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 27.04.2004

Hon'ble Rajesh Tandon J.

Heard the learned counsel for the parties.

By the present writ petition the petitioner has prayed for the issue of a writ in the nature of certiorari quashing the order dated 21.8.2002. ammexure-1 to the writ petition and also for a writ of mandamus commanding the respondent no.1 to implead the order of Labour Court dated 29.9.2001.

Briefly stated the facts giving rise are that the petitioner was appointed as Store-keeper in Irrigation Department on 20.6.1997 in the pay scale 1100-1900 per month. On 7.6.1990 the respondent no.3 and 4 have given their consent for absorbing the petitioner on deputation and a oral assurance was given to the petitioner that he will

be given grade of E-2 i.e. Store Purchase Officer. Subsequently the petitioner was posted as Executive (Legal) in the category of S 4 and the petitioner has accepted the same. The petitioner has submitted that he was informed by the respondents vide letter dated 19.6.2000 that he was allowed benefits of S-1, w.e.f. 1.7.1995 and hence he cannot be given scale of E-1 w.e.f. 21.7.1990 and subsequently vide letter dated 22.6.1990 the respondent has granted pay scale for the post of S-1 w.e.f. 21.7.1990 and thereafter his pay scale was fixed as 3500-6080. The petitioner has field an application under Section 6 H (1) of the Industrial Disputes Act, before the Assistant Labour Commissioner but he refused to implement the order vide order dated 21.8.2002. The petitioner has further submitted that on 29.9.2001 the Labour Court has directed the respondent to decide the representation of the petitioner within two months. On 29.11.2001 the Senior Manger (P & A) has informed the petitioner that his representation dated 29.11.2001 has been disposed of and benefit of E-1 cannot be accorded to him.

In the instant writ petition his Lordship Hon'ble Mr. Justice Irshad Hussain has been pleased to pass order the on 29.12.204 to the following effect:

"*Meanwhile the respondents shall decide the representation (annexure-6) by a reasoned and speaking order in view of the*

recommendation of the committee constituted by the respondent on 28.1.1998. (Annexure 2-A to the petition).”

Consequently he writ petition is disposed of in terms of the interim order and the respondents are directed to decide the representation of the petitioner by a speaking and reasoned order in view of the recommendations of the committee constituted by the respondent on 28.1.1998, within six weeks after the receipt of the certified copy of this order. No order as to costs.

(Rajesh Tandon J.)

27.04.2004
Dhyani